

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES R. ROWE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C05-1219-MJP-MJB
(CR98-315P)

ORDER DENYING MOTION
TO APPOINT COUNSEL

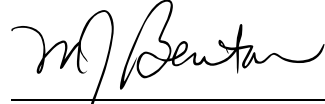
On May 8, 2006, petitioner filed a letter in this Court that, among other things, requests to have counsel assigned. Dkt. #11. The Court construes petitioner's request as a motion for appointment of counsel. Having reviewed Petitioner's motion and the balance of the record, the Court hereby finds and ORDERS:

(1) There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2255 unless an evidentiary hearing is required. *See McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *United States v. Angelone*, 894 F.2d 1129, 1130 (9th Cir. 1990); Rule 8(c) of the Rules Governing Section 2255 Proceedings, 28 U.S.C. foll. § 2255. Although under 18 U.S.C. § 3006A(a)(2)(B) counsel may be appointed at any stage of the proceedings for a financially eligible individual if the interests of justice so require, petitioner fails to demonstrate that the interests of justice would be best served by appointment of counsel in this matter.

ORDER DENYING MOTION
TO APPOINT COUNSEL - Page 1

1 (2) Accordingly, petitioner's motion for appointment of counsel (Dkt. #11) is
2 DENIED. If the Court later orders an evidentiary hearing, the Court will appoint counsel,
3 assuming petitioner qualifies as indigent.

4 DATED this 12th day of May, 2006.

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8 MONICA J. BENTON
9 United States Magistrate Judge
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